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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,369	01/27/2004	Larry D. McKenna	GLOB-0001	1579

27964 7590 07/26/2005

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EXAMINER
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ZEC, FILIP

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,369	<b>Applicant(s)</b> MCKENNA, LARRY D.	
	<b>Examiner</b> Filip Zec	<b>Art Unit</b> 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/6/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,438,977 to McKay, in view of U.S. Patent 6,314,932 to Kallina. In FIG. 1, McKay discloses applicant's basic inventive concept, a pre-cooling system for use with a condenser unit of an air conditioner, comprising a housing (36) coupled to a top (38 and 16) of a condenser (14, FIG. 3) of an air conditioner (10), said condenser having a substantially vertical exhaust (26 and 28, FIG. 3); a valve (40) mounted in said housing and coupled to a water source (44), said valve capable of operating independently of electrical power (col 2, lines 12-26) due to the fact that it comprises a vane (70, FIG. 3) coupled (50, FIG. 3) to said valve and positionable in said substantially vertical exhaust (see FIG. 3); said pre-cooling system further comprising a water supply tube (42) coupled to said valve and coupleable to said water source, a spray nozzle (32) in fluid communication with said valve and spray tubing (30) interposed said valve and said spray nozzle, substantially as claimed with the exception of stating that said vane comprises an aerodynamically shaped cross section useable to operate said valve, wherein said aerodynamically-shaped cross section has a leading edge and a trailing edge, and wherein said leading edge is substantially thicker than said trailing edge, wherein said aerodynamically-shaped cross section has an upper surface and an undersurface and wherein said upper surface is

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shaped cross section has an upper surface and an undersurface and wherein said upper surface is longer than said undersurface and wherein said vane has a concave undersurface. Kallina shows a vane comprising an aerodynamically shaped cross section useable to operate a valve (col 6, lines 47-53) to be old in the refrigeration art. Also, the applicant should note that the selection of a shape of a prior art device is a design consideration within the skill of the art, In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Kallina to modify the system of McKay, by having a vane comprising an aerodynamically shaped cross section useable to operate a valve in order to reduce the variation in pressure across the bend area of the runner where the valve stem extends and enable the smooth control of the coupled valve (col 3, lines 1-13).

3. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,438,977 to McKay, in view of U.S. Patent 6,314,932 to Kallina, as applied to claims 1 and 10 above, and further in view of U.S. Patent 5,605,052 to Middleton et al. McKay in view of Kallina discloses applicant's basic inventive concept, a pre-cooling system for use with a condenser unit of an air conditioner, substantially as claimed with the exception of stating the use of filter coupled to a valve and coupleable to a water source. Middleton shows the use of filter (38, FIG. 2) coupled to a valve (40, FIG. 2) and coupleable to a water source (36, FIG. 2) to be old in the refrigeration art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Middleton to modify the system of McKay in view of Kallina, by adding a filter coupled to a valve and coupleable to a water

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4. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,438,977 to McKay, in view of U.S. Patent 6,314,932 to Kallina, as applied to claims 1 and 10 above, further in view of U.S. Patent 5,605,052 to Middleton et al., and still further in view of U.S. Patent 4,392,959 to Coillet. McKay in view of Kallina, further in view of Middleton discloses applicant's basic inventive concept, a pre-cooling system for use with a condenser unit of an air conditioner and a filter, substantially as claimed with the exception of stating said filter comprises hexametaphosphate. Coillet shows the use of hexametaphosphate (col 2, lines 18-24) in a filter to be old in the water purifying art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teaching of Coillet to modify the system of McKay in view of Kallina, further in view of Middleton by adding a filter comprising hexametaphosphate in order to assist and improve downstream purification of water (col 2, lines 47-51).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,105,376 to Stewart, Peter B. et al teaches a valve and vane structures for water-cooling air conditioner heat exchanger fins.

U.S. Patent 5,482,211 to Chao, Sidney C. et al. teaches a supercritical fluid cleaning apparatus without pressure vessel.

U.S. Patent 3,770,242 to O'Connor, Jr. teaches an aerodynamically and hydronomically stable torqued butterfly valve and vane.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip Zec whose telephone number is (571) 272-4815. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Filip Zec

Examiner

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CHERYL TYLER

SUPERVISORY PATENT EXAMINER

FZ